

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

## CHEETAH OMNI, LLC

**Plaintiff,**

§

VS.

§ 8

## VERIZON SERVICES CORP., et al.

§

**Defendant.**

§  
§

**CASE NO. 6:09 CV 260  
PATENT CASE**

**ORDER ADOPTING REPORT AND**  
**RECOMMENDATION OF MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Order of the Magistrate Judge (“Order”), which contains his rulings on the determination of the hypothetical negotiation date, has been presented for consideration (Doc. No. 407). Verizon Services Corp. et. al., (collectively “Defendant”) have filed objections and a motion for reconsideration in response to the Order. (Doc. No. 412).

The Court heard further argument regarding Defendant's motion on the first day of trial and **DENIED** the motion from the bench finding that the Magistrate Judge's findings in the Order are correct. *See* DAY 1, MORNING TRIAL TR. at 4:14 - 7:13.

**So ORDERED and SIGNED this 23rd day of March, 2011.**

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**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**